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10/571,730	03/16/2007	Jens Otterbach	10191/4357	2781

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EXAMINER	
TEIXEIRA MOFFAT, JONATHAN CHARLES	
ART UNIT	PAPER NUMBER
2863	
MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/571,730	OTTERBACH ET AL.	
	Examiner	Art Unit	
	JONATHAN TEIXEIRA MOFFAT	2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 March 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *5-13, 15, 17-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *5-13,15,17 and 18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Applicant's amendments to the claims, filed 3/26/2010, are accepted and appreciated by the examiner. Applicant has canceled claims 14 and 16 and put their subject matter into independent claims 5 and 9.

It is noted that in the claim amendments, claim 9 is mistakenly labeled as "Previously Presented" when it is clearly amended and should therefore be labeled "Currently Amended". As the newly added portion of the claim is underlined, applicant's intentions are clear. In order to expedite prosecution, it is assumed that the claim is presented fully and correctly for purposes of examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 5-13, 15 and 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Hackett (US pat 4754262).

With respect to claims 5 and 9, Hackett discloses a method and apparatus comprising:

1) A first sensor (Fig 2 item 20; *called a 'transponder' but it senses/reports a condition and thus is a 'sensor'*) powered by a line (Fig 2 item 45), the first sensor preprogrammed with a first time interval for transmitting data via the line (Fig 3 items 62-64 and column 2 lines 42-45).

Each transponder has a unique "identity number" which corresponds to a unique time delay as set by the jumpers and resistors.

2) A second sensor (Fig 2 item 20; *there are multiple transponders*) powered by the line (Fig 2 item 45) in parallel with the first sensor, the second sensor preprogrammed with a second time interval for transmitting data via the line (Fig 3 items 62-64 and column 2 lines 42-45). *Each transponder has a unique "identity number" which corresponds to a unique time delay as set by the jumpers and resistors.*

3) A first timing sequence control system included in the first sensor (Fig 3 item 54). *Again, each transponder includes its own programmable timer to generate a unique delay.*

4) A second timing sequence control system included in the second sensor (Fig 3 item 54). *Again, each transponder includes its own programmable timer to generate a unique delay.*

5) Wherein, at a point in time of receiving a first power level (Fig 1), the first timing sequence control system is triggered and, upon being triggered, controls the transmission of the first sensor so that the first sensor transmits data via the line for the first time interval, and wherein, at a point in time of receiving the first power level, the second timing sequence control system is triggered and, upon being triggered, controls the transmission of the second sensor so that the second sensor transmits data via the line for the second time interval after the first time interval (Figs 1-2 and column 2 lines 3-17). *The controller (everything to the right of the transformer in Fig 2 more or less) transmits a synchronization signal ("tone burst") to all transponders in the form of a voltage signal as shown in Fig 1. At the end of the synchronization, the voltage is returned to a nominal value which is a 'first power level'. Because the transponders do not start counting until the end of the synchronization signal, which*

is the 'first power level', they can be said to act in response to this 'first power level'. At this point, each transponder waits for a period equivalent to a unique delay assigned to it before responding. The result is that each transponder responds to the same interrogation signal at different times.

6) Wherein, upon being triggered, the first and second timing sequence control systems control the transmission of the first and second sensors so that the first and second sensors each transmit data via the line at least once independent of any change in a power level received by the first and second timing sequence control systems (Fig 1). *The control unit sends no further information after the synchronization signal terminates. From there each transponder responds depending only on its unique delay.*

7) Wherein the first and second timing sequence control systems receive the first power level throughout the first and second intervals (Fig 1). *As discussed above, the 'first power level' is the nominal voltage. Although the voltage rises above and falls below this level as part of the synchronization signal, the transceivers do not respond until it has stabilized to this nominal level. The final nominal level then identifies the end of the synchronization signal and causes the transceivers to begin the counting out of their unique delays.*

With respect to claims 6 and 10, Hackett discloses that the first and second sensors are always supplied at least a second power level, the second power level being lower than the first power level (Fig 1 and column 2 lines 36-39). *The voltage supplied to the transponders fluctuates about a baseline (shown in Fig 1) which corresponds to the claimed 'first power level'. During communication, the voltage is alternatively raised and lowered as shown. The lowest*

that the voltage ever falls can be fairly said to be a 'second power level... lower than the first power level' which is always supplied.

With respect to claims 7 and 11, Hackett discloses that the first and second sensors detect the first power level via a voltage change (Fig 1). *The synchronization signal is a voltage signal.*

With respect to claims 8 and 12, Hackett discloses that the first and second sensors (Fig 2 items 20) are connected to a control unit via the line (Fig 2 item 45), data transmission during the time between the end of the first time interval and the end of the second time interval only being provided from the sensors to the control unit, and not from the control unit to the sensors (Fig 1). *As explained above, the control unit does not send any further data after the end of the synchronization signal. Communication, as shown in the bottommost line of Fig 1, is from the transponders to the control unit only at this point.*

With respect to claims 13 and 18, Hackett discloses that the first and second sensors are always supplied at least a second power level, the second power level being lower than the first power level (Fig 1 and column 2 lines 36-39; *the voltage supplied to the transponders fluctuates about a baseline (shown in Fig 1) which corresponds to the claimed 'first power level'. During communication, the voltage is alternatively raised and lowered as shown. The lowest that the voltage ever falls can be fairly said to be a 'second power level... lower than the first power level' which is always supplied*), that the first and second sensors detect the first power level via a voltage change (Fig 1; *the synchronization signal is a voltage signal)*, and that the first and second sensors (Fig 2 items 20) are connected to a control unit via the line (Fig 2 item 45), data transmission during the time between the end of the first time interval and the end of the second

time interval only being provided from the sensors to the control unit, and not from the control unit to the sensors (Fig 1). *As explained above, the control unit does not send any further data after the end of the synchronization signal. Communication, as shown in the bottommost line of Fig 1, is from the sensors to the control unit only at this point.*

With respect to claims 15 and 17, Hacket discloses that the first and second sensors are always supplied at least a second power level, the second power level being lower than the first power level (Fig 1 and column 2 lines 36-39; *the voltage supplied to the transponders fluctuates about a baseline (shown in Fig 1) which corresponds to the claimed 'first power level'. During communication, the voltage is alternatively raised and lowered as shown. The lowest that the voltage ever falls can be fairly said to be a 'second power level... lower than the first power level' which is always supplied*), and that the first and second sensors (Fig 2 items 20) are connected to a control unit via the line (Fig 2 item 45), data transmission during the time between the end of the first time interval and the end of the second time interval only being provided from the sensors to the control unit, and not from the control unit to the sensors (Fig 1). *As explained above, the control unit does not send any further data after the end of the synchronization signal. Communication, as shown in the bottommost line of Fig 1, is from the sensors to the control unit only at this point.*

Response to Arguments

Applicant's arguments filed 3/26/2010 have been fully considered but they are not persuasive.

Specifically, applicant argues that Hackett fails to disclose a system wherein "at a point in time of receiving a first power level, the first timing sequence control system is triggered" and wherein "the first and second timing sequence control systems receive the first power level throughout the first and second intervals" as claimed.

Applicant supports this by pointing out that Hackett uses a set of synchronization pulses at a set frequency called a "tone burst" which is not a power level maintained through the response timing periods of the sensor units. The examiner agrees with applicant's understanding of the prior art, but respectfully disagrees with respect to applicant's interpretation of the language of the claims.

Although Hackett does use a set of pulses, from Fig 1 it is clear that the sensor units do not begin counting the response periods until the end of this "tone burst". The sensors wait for the end of the sequence to begin counting, which means they are waiting for a return to a nominal baseline power level V_L, to signal the sensors to begin counting. Thus it can be fairly said that the "triggering" is in response to receiving a first power level of V_L which follows the burst. Because this same voltage is maintained throughout the response periods, this level V_L can be fairly said to be received by the sensors "throughout the first and second intervals" as claimed.

Thus it is maintained that Hackett meets each and every limitation of the claim language.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JONATHAN TEIXEIRA MOFFAT whose telephone number is (571)272-2255. The examiner can normally be reached on Mon-Fri, from 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jonathan C. Teixeira Moffat/
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6/22/2010